

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claim Status

Claims 1 through 4, 6 through 10, and 12 remain pending in the application. Claims 1, 4, 6, and 8 through 10 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been added. Claims 1 and 6 are the only independent claims pending in the application.

Art Rejections

Claims 1, 2, 4, and 6 through 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,737,675 (Okada, et al.) in view of U.S. Patent No. 5,363,177 (Nakano, et al.).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada, et al. in view of Nakano, et al. as applied to Claim 1 and further in view of Japanese Patent Document No. 11-095638 (Kawakami, et al.).

Claims 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada, et al. in view of Nakano, et al. as applied to Claim 1 and further in view of U.S. Patent No. 5,708,912 (Lee).

The rationale underlying each of the foregoing rejections is succinctly set forth in the Official Action.

Traversal of Rejections

The rejections are respectfully traversed.

Amended Claim 1 calls for a developer supply container, which is detachably mountable to an image forming apparatus and includes a developer accommodating portion. A developer discharging portion includes a hole through which a developer passes and a shutter for closing and opening the hole. A cover covers the developer discharging portion and is movable between a first position in which the cover covers the developer discharging portion and a second position in which the developer discharging portion is exposed. The second position is closer to the developer accommodating portion than the first position. The cover moves from the first position to the second position in response to an operation of mounting the container to the apparatus.

Amended independent Claim 6 calls for an image forming apparatus including an image bearing member, a developing means for developing a latent image formed on the image bearing member, a developer supply container as defined in amended Claim 1. The developer supply container includes a developer accommodating portion, a developer discharging portion, and a cover generally as defined in amended Claim 1.

As seen from the two foregoing paragraphs, a feature of the present invention defined in Claims 1 and 6 is in that the cover moves from the first position to the second position in response to a mounting operation of the container to the apparatus. According to this feature, the cover is moved, in a single operation (Claim 1) or action (Claim 6) of mounting the container to the apparatus, to the second position where the user can easily access the image forming apparatus. Thus, the operability of the apparatus is improved.

In Okada, et al., a shutter member 250 moves from a closing position (Fig. 3) to an opening position, when a user mounts a toner cartridge 201 to a copying apparatus 10. However, in order for the shutter member 250 to move from the opening position (Fig. 5)

to a retreat posture (Fig. 6), a folding action on the part of a user of the copying apparatus 10 is required. See Col. 7, line 62 through Col. 8, line 8. In Okada, et al., the shutter member 250 does not move from the closing position to the retreat posture, by a simple operation or action of mounting the toner cartridge 201 to the copying apparatus 10. Accordingly, Okada, et al. is fundamentally distinguishable from the invention recited in amended Claim 1.

Nakano, et al. is cited for disclosing a tape 3 that seals an opening 31, a first shutter 1, and a second shutter 2. Nakano, et al. does not disclose or suggest a cover movable between a first position and a second position in which the developer charging portion is exposed and which is closer to the developer accommodating portion than the first position as recited in amended Claims 1 and 6.

Kawakami, et al., and Lee, et al. are cited for allegedly showing salient features of the invention recited in certain dependent claims. It is respectfully submitted that Kawakami, et al. and Lee, et al. do not remedy the above-noted deficiencies of Okada, et al. and Nakano, et al. *vis-à-vis* the claimed invention.

It is also respectfully submitted that the combination rejections are not well founded. The Examiner has provided a *rationalization* for combining the teachings of the cited art based on the benefits of doing so. A combination rejection is proper only when there is some suggestion or motivation in the cited art *per se* to cause one having ordinary skill in the art to combine the teachings of the cited art. There is nothing in the cited art which supports the position that it can be combined in the manner suggested. Even if the art could be so combined, the mere fact that the art can be combined is not sufficient if there is no suggestions in the art that such a combination is desirable. For example, see

ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

In view of the foregoing, it is respectfully submitted that amended independent Claims 1 and 6 are allowable over the cited art whether taken individually or in combination.

Claims 2 through 4, 7 through 10, and 12 depend either directly or indirectly from one of Claims 1 and 6 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention. Individual consideration of the dependent claims is respectfully requested.

Closing Comments

This Amendment could not have been presented earlier in the prosecution, inasmuch as it was earnestly believed that the claims heretofore on file were in condition for allowance. No additional claims have been submitted. It is earnestly believed that the Examiner's familiarity with the present application will allow full consideration hereof without the expenditure of undue time and effort.

Favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wannisky', written over a horizontal line.

Attorney for Applicants

William M. Wannisky

Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

WMW\tas

DC_MAIN 135311 v 1